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Attorney for Plaintiffs, DAVID J. LEE and
DANIEL R. LLOYD

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE and DANIEL R. LLOYD,
as individuals and, on behalf of others
similarly situated,

Plaintiffs,

vs.

CHASE MANHATTAN BANK U.S.A.,
N.A., a Delaware corporation, CHASE
MANHATTAN BANK U.S.A., N.A. d.b.a.
CHASE BANK U.S.A., N.A., JPMORGAN
CHASE & CO., a Delaware corporation;
and DOES 1, through 100, inclusive,

Defendants.

Case No.: C 07-4732 MJJ

PLAINTIFF'S MEMORANDUM OF
POINTS & AUTHORITIES, FILED IN
SUPPORT OF PLAINTIFF'S REQUEST
FOR JUDICIAL NOTICE

[REQUEST FOR JUDICIAL NOTICE
AND PROPOSED ORDER, FILED
CONCURRENTLY]

DATE: January 29, 2008

TIME: 9:30 a.m.

CTRM: 11

19th Floor
450 Golden Gate Ave.
San Francisco, Ca. 94102

MEMORANDUM OF POINTS & AUTHORITIES

This Court may, pursuant to Fed.R.Ev. 201, take judicial notice of the files and records of cases filed in the United States District Courts. Reyn's Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 (9th Cir. 2006). The documents for which judicial notice is sought were filed in Lee v. American Express Travel Related Services Company, Inc., docket number C-07-4765 (CRB) (N.D. Cal. September 9, 2007).

Judicial notice of these documents is thus required in order for this Court to be fully apprised of the Plaintiffs' legal arguments in Lee v. American Express Travel Related Services Company, Inc., and the rationale for Judge Breyer's decision in that case.

Based upon the forgoing facts and authority the Court is respectfully requested to take Judicial Notice of (1) the Complaint filed in Lee v. American Express Travel Related Services Company, Inc., docket number C-07-4765 (CRB) (N.D. Cal. September 9, 2007); and (2) the hearing transcript relative to the Defendants' motion to dismiss in Lee v. American Express Travel Related Services Company, Inc. argued before Judge Charles H. Breyer on November 30, 2007.

Dated: January 17, 2008

Respectfully submitted,

By:

Matthew S. Hale, Esq.
Counsel for Plaintiffs,
David J. Lee and Daniel R. Lloyd